

EMPLOYEE PERFORMANCE AND UTILIZATION

Foreign Language Incentive Program

APPROVAL/TRANSMITTAL

This section has been revised to comply with Executive Order 12861, dated September 11, 1993. This supersedes IG-3453, dated December 1993. Remove and destroy previous editions.

---

ROGER C. VIADERO  
Inspector General

=====

A. BACKGROUND. Under 5 U.S.C. 4523(a), an agency may pay a cash award, up to 5 percent of base pay, to any law enforcement officer in the agency who possesses and makes substantial use of one or more foreign languages in the performance of official duties. Payment under the Foreign Language Incentive Program (FLIP) is in addition to regular pay and does not increase an employee's base salary for purposes of retirement, adverse actions, or any other pay consideration.

B. POLICY. OIG SA's shall be compensated for the use of a foreign language during the conduct of an official investigation in accordance with provisions set forth in this directive and 5 U.S.C. 4521-4523.

C. GUIDELINES FOR FOREIGN LANGUAGE INCENTIVE PROGRAM

1. Eligible Positions. Any GS/GM-1811 SA who meets the conditions cited in this directive is eligible to participate in FLIP. The statute does not provide for participation of other employees e.g., secretaries, clerks, etc. These individuals may be compensated for the use of a foreign language with a "spot" award (see IG-3451, On-The-Spot ("Spot") Cash Awards Program).

2. Application Process. All SA's believing they have the necessary qualifications may apply for FLIP. SA's shall submit an Application for Language Testing, form OIG-3453-1 (exhibit A), to his/her supervisor no later than July 1. After the initial application and qualification, the frequency of subsequent applications will depend on the SA's level of proficiency (see section C5). The application will be forwarded by the supervisor through supervisory channels to the D/PDOTD. The D/PDOTD will submit the application to the testing agency and arrange dates for the written examination and the Oral Proficiency Interview (OPI). The SA will be notified in advance of all testing dates.

(C)

3. Eligibility Tests. Foreign language proficiency will be measured against standards established by the Foreign Language Defense Institute (exhibit B). The following tests will be administered by a certified foreign language testing facility under contract with OIG.

a. A written examination will be given to each SA wishing to participate in the program. The written test will measure the SA's ability to read and write a second language. Each SA must pass the written examination before taking the oral test.

b. The OPI will be conducted between the SA and an oral tester. This test may be conducted over the telephone or in person.

The AIG/PD&RM will contract with a testing facility to administer the FLIP written and oral examinations and transmit authorizations for payment under FLIP to the National Finance Center.

4. Testing Period. Both the written examination and OPI will be administered between October 1 and December 31 of each calendar year. If an SA fails either the written test or the OPI, the SA must wait until the next testing period to be retested unless an appeal is filed by the SA and the reviewing official rules in the SA's favor (see section C10a).

5. Length of Eligibility. SA's receiving a proficiency level rating of 2 or 3 on the OPI must be retested each year to participate in the program. (Proficiency levels are explained in exhibit B.) SA's receiving a proficiency level rating of 4 or 5 shall be retested every 3 years. However, an SA at level 4 may request an OPI each year in order to achieve a higher rating.

6. Qualifying Work

a. Speaking

- (1) Investigations that require the use of a foreign language.
- (2) Interviews conducted in a foreign language.
- (3) Interpreting in a foreign language during an investigation.
- (4) Any additional work approved by the SA's supervisor that requires speaking a foreign language.

b. Writing

- (1) Preparing written statements in a foreign language.
  - (2) Transcribing tapes in a foreign language.
- (C 6 b)
- (3) Communicating in writing in a foreign language during the conduct of an investigation.
  - (4) Any additional work approved by the SA's supervisor that requires writing in a foreign language.

c. Reading

- (1) Reviewing records maintained in a foreign language.
- (2) Reading statements in a foreign language to subjects or witnesses.

(3) Any additional work approved by the SA's supervisor that requires reading in a foreign language.

7. Non-Qualifying Work

a. Travel time to and from an assignment even though the assignment may require the use of a foreign language.

b. Training courses or training assignments that require the use of a foreign language.

8. Payment

a. Criteria. RIG's/I and DD's/I should determine if eligible employees in all probability have the required foreign language proficiency and if they will have a reasonable opportunity to use the foreign language. In determining whether there will be a reasonable opportunity to use the language, consider the historical need for the particular language in the region or division and how many qualified employees it will take to satisfy that need. If a reasonable opportunity to use the language does not exist, do not approve the testing. To qualify for payment under this program, an SA must: (1) Achieve a proficiency level of at least 2 on the OPI (see exhibit B); (2) use a foreign language a minimum of 104 hours during the calendar year; and (3) maintain a rating of "Fully Successful" or better on his/her annual performance evaluation.

b. Amount. The maximum amount of payment that can be awarded to an SA is 5 percent of base pay. The following schedule will be used to determine payment.

<u>Proficiency Rating</u>	<u>Percent of Base Pay</u>
2 or 2+	2%
3 or 3+	3%
4 or 4+	4%
5	5%

c. Timing. A single payment will be made in February of each year for work performed during the prior calendar year.

9. Reports

a. Biweekly activity reports. SA's participating in FLIP will submit a Report of Usage, form OIG-3453-2 (exhibit C), to his/her supervisor at the end of each pay period. Attach documentation supporting each entry and provide a brief, but thorough, description of all activities pertaining to FLIP. Negative reports are required. The supervisor will verify the time charged to FLIP and sign the form OIG-3453-2.

b. Annual payment list. At the end of the calendar year, the names of all SA's who qualified for payment under FLIP (see section C8a) will be submitted to the AIG/I by the appropriate RIG/I or DD/I. The AIG/I will submit the list of names to the AIG/PD&RM for payment.

10. Appeal Process

a. Appeals involving testing. SA's, who believe the written examination or OPI was not properly administered or the proficiency level received is incorrect, must submit a detailed written explanation to the SA's supervisor. The supervisor shall forward the SA's complaint through appropriate channels to the D/PDOTD. The complaint must be received by the D/PDOTD within 15 calendar days after the written examination or OPI was administered or the complainant received notice of his/her proficiency level.

Upon receipt of the complaint, the D/PDOTD will consult with officials at the testing agency, evaluate the complaint, and render a decision. The D/PDOTD has 30 work days upon receipt of the complaint to notify the SA of the decision. This decision is final.

b. Appeals involving qualifying hours. If an SA questions hours denied on form OIG-3453-2 by the SA's supervisor, the SA shall follow normal grievance procedures (see IG-3771, OIG Grievance System).

## APPLICATION FOR LANGUAGE TESTING

NAME \_\_\_\_\_ DATE \_\_\_\_\_

OFFICE ADDRESS \_\_\_\_\_  
\_\_\_\_\_

LANGUAGE TO BE TESTED \_\_\_\_\_ TELEPHONE NUMBER \_\_\_\_\_

EMPLOYEE'S SIGNATURE \_\_\_\_\_

RIG'S SIGNATURE \_\_\_\_\_

\*\*\*\*\*

This section to be completed by D/PDOTD

Date of written examination \_\_\_\_\_ Score \_\_\_\_\_

Date of OPI \_\_\_\_\_ Score \_\_\_\_\_

Score on previous written examination \_\_\_\_\_

Score on previous OPI \_\_\_\_\_

A new application must be submitted each year by the requesting employee.

## Language Proficiency Levels

### 0 No Proficiency

Unable to function in the spoken language. Oral production is limited to occasional isolated words. Has essentially no communicative ability.

### 0+ Memorized Proficiency

Able to satisfy immediate needs using rehearsed utterances. Shows little real autonomy of expression, flexibility, or spontaneity. Can ask question or make statements with reasonable accuracy only with memorized utterances or formulae. Attempts at creating speech are usually unsuccessful.

### 1 Elementary Proficiency

Able to satisfy minimum courtesy requirements and maintain very simple face-to-face conversation on familiar topics.

### 1+ Elementary Proficiency, Plus

Can initiate and maintain predictable face-to-face conversations and satisfy limited social demands.

### 2 Limited Working Proficiency

Able to satisfy routine social demands and limited work requirements. Can handle routine work-related interactions.

### 2+ Limited Working Proficiency, Plus

Able to satisfy most work requirements with language usage that is often, but not always, acceptable and effective.

### 3 General Professional Proficiency

Able to speak the language with sufficient structural accuracy and vocabulary to participate effectively in most formal and informal conversations on practical, social, and professional topics.

### 3+ General Professional Proficiency, Plus

Is often able to use the language to satisfy professional needs in a wide range of sophisticated and demanding tasks.

### 4 Advanced Professional Proficiency

Able to use the language fluently and accurately on all levels normally pertinent to professional needs.

### 4+ Advanced Professional Proficiency, Plus

Speaking proficiency is regularly superior in all respects, usually equivalent to that of a well-educated, highly articulate native speaker.

### 5 Functionally Native Proficiency

Speaking proficiency is functionally equivalent to that of a highly articulate well-educated native speaker and reflects the cultural standards of the country where the language is natively

Exhibit C  
of IG-3453